

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

STEPHEN SHUMAN,	§	Case No.
	§	
Plaintiff,	§	
	§	
v.	§	PLAINTIFF’S COMPLAINT AND
	§	DEMAND FOR JURY TRIAL
	§	
GC SERVICES, LP,	§	
	§	
Defendant.	§	

COMPLAINT

NOW COMES Plaintiff, STEPHEN SHUMAN (“Plaintiff”), through his attorneys, hereby alleges the following against Defendant, GC SERVICES, LP (“Defendant”):

Nature of the Action

1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.* and the Texas Debt Collection Act (“TDCA”), Tex. Fin. Code § 392.001 *et seq.*

Parties

2. Plaintiff is a natural person residing, in the County of Collin, in the City of Plano, in the State of Texas and is otherwise *sui juris*.

3. Plaintiff is allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3) and Tex. Fin. Code § 392.001.

4. Defendant is a Texas Corporation conducting business in the State of Texas and has its principal place of business in Houston, Texas.

5. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6) and Tex. Fin. Code § 392.001, and sought to collect a consumer debt from Plaintiff.

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

Jurisdiction and Venue

7. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

8. Supplemental jurisdiction arises pursuant to 28 U.S.C. § 1367 over the claims arising under the TDCA.

9. Because Defendant is headquartered and conducts business in Texas, personal jurisdiction is established.

10. Venue is proper in the United States District Court Eastern District of Texas pursuant to 28 U.S.C § 1391(b)(2) because Plaintiff resides within this District and a substantial part of the events or omissions giving rise to the herein claims occurred within this District.

Factual Allegations

11. On or around February 4, 2020, Defendant placed a collection call to Plaintiff seeking and demanding payment for an alleged consumer debt.

12. The alleged debt arises from transactions for personal, family, and household purposes.

13. Defendant called Plaintiff’s telephone number at (512) XXX-1285.

14. On or around February 4, 2020, Defendant placed a collection call to Plaintiff and left a message on Plaintiff’s voicemail.

15. In the voicemail message, Defendant failed to disclose its identity, the nature of the call, and failed to state that the call was from a debt collector.

16. In the voicemail message, Defendant failed to disclose that it is a debt collector.

17. In the voicemail message, Defendant directed Plaintiff to call it back at telephone number (800) 926-3136 which, on information and belief, is a number that is assigned to Defendant.

18. Defendant's failure to meaningfully disclose its identity in its voicemail message(s) harassing, oppressive, and abusive to Plaintiff.

19. Defendant also uses false, deceptive and misleading means in connection with attempting to collect a debt by not identifying the purpose of its phone call(s) or that it is attempting to collect a debt.

FIRST CAUSE OF ACTION
DEFENDANT VIOLATED THE FDCPA 15 U.S.C. § 1692 et seq.

20. Plaintiff repeats and incorporates by reference into this cause of action the allegations set forth above at Paragraphs 1-19.

21. Defendant's violations of the FDCPA include, but are not limited to, the following:

- a. Defendant violated §1692(d) of the FDCPA by engaging in conduct of which the natural result is the abuse and harassment of the Plaintiff;
 - b. Defendant violated §1692(d) of the FDCPA by failing to meaningfully disclose its identity;
 - c. Defendant violated §1692(e) of the FDCPA by any other false, deceptive, or misleading representation or means in connection with the debt collection;
- and

- d. Defendant violated §1692(e)(11) of the FDCPA by failing to contain the warning: This is an attempt to collect a debt... communication is from a debt collector.

SECOND CAUSE OF ACTION
DEFENDANT VIOLATED THE TDCA § 392.001 et seq.

22. Plaintiff repeats and incorporates by reference into this cause of action the allegations set forth above at Paragraphs 1-21.

23. Defendant's violations of the TDCA include, but are not limited to, the following:

- a. Defendant violated § 392.304(5)(b) of the TDCA by placing a telephone call and failing to disclose Defendant as a debt collector; and
- b. Defendant violated § 392.304(19) of the TDCA by any other false, deceptive, or misleading representation or means in connection with the debt collection.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

FIRST CAUSE OF ACTION

24. Statutory damages of \$1000.00 pursuant to 15 U.S.C. § 1692k;
25. Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
26. Awarding such other and further relief as may be just, proper and equitable.

SECOND CAUSE OF ACTION

27. Actual damages pursuant to Tex. Fin. Code § 392.403(2) or statutory damages of no less than \$100 pursuant to § 392.403(2)(3), whichever is greater; and

28. Reasonable attorney's fees, costs pursuant to § 392.403(2)(b).

JURY TRIAL DEMAND

Plaintiff demands a jury trial on all issues so triable.

RESPECTFULLY SUBMITTED,

Dated: July 1, 2020

/s/ Adam T. Hill

Adam T. Hill

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